

ORDINANCE NO. 15- 128

**AN ORDINANCE AMENDING CHAPTER 20 OF THE ROGERS CITY CODE
CONCERNING FIRE PREVENTION AND PROTECTION; PROVIDING FOR THE
EMERGENCY CLAUSE AND FOR OTHER PURPOSES.**

WHEREAS, the language in the Rogers City Code providing for Fire Prevention and Protection needs to be amended to better clarify the intent of the City Council; and

WHEREAS, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is clear, unambiguous, and accurately reflects state and local laws.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Chapter 20 of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read in its entirety as shown in the attached Exhibit "A" (attached hereto and incorporated by reference as if set out word for word herein).

Section 2: That the need to amend said City Code chapter is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 25th day of August, 2015.

APPROVED:


C, GREG HINES,
Mayor

Attest:


PEGGY DAVID, City Clerk



Prepared by: Chris Griffin, Senior Staff Attorney

EXHIBIT "A"

Chapter 20 - FIRE PREVENTION AND PROTECTION

State Law reference— Fire protection in newly annexed areas, A.C.A. §§ 14-40-1210, 14-40-1212; civil service for fire departments, A.C.A. § 14-51-101 et seq.; fire departments generally, A.C.A. § 14-53-101 et seq.; firemen's relief and pension fund, A.C.A. § 24-11-801 et seq.; fire prevention and protection generally, A.C.A. § 12-13-101 et seq.; ambulance services improvement districts, A.C.A. § 14-282-101 et seq.

ARTICLE I. - IN GENERAL

Secs. 20-1—20-18. - Reserved.

ARTICLE II. - FIRE DEPARTMENT

State Law reference— Mutual aid in disasters, A.C.A. § 12-75-119; use of firefighting equipment beyond corporate limits, A.C.A. § 14-53-102.

DIVISION 1. - GENERALLY

Sec. 20-19. - Mutual aid to render fire service.

The mayor, city clerk and fire chief may enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire service.

(Code 1982, § 33-86; Code 1997, § 46-1)

Sec. 20-20. - Assisting other cities.

The mayor, fire chief or deputy fire chief may, in his discretion, aid in extinguishing fires in another city or town, public institution, corporation or other property within a reasonable distance from the city, or on property immediately adjacent to the city in which there is a possibility of the fire spreading within the corporate limits, under the following conditions:

(1) A request from a city or incorporated town for assistance must come only from the mayor, fire chief or such other person as may be designated by mutual agreement.

(2) Calls may be responded to only by such apparatus which, in the judgment of the mayor, fire chief or deputy fire chief, can be safely sent without unduly impairing fire protection within the city, and when highways and weather conditions are favorable.

(Code 1982, § 33-87; Code 1997, § 46-2)

Sec. 20-21. - Special services, hazardous materials and technical rescue response.

As used in this article, the term "special services" shall mean that extraordinary work, labor or service which may be provided only by the fire department due to the specialized training and equipment of the fire department, which shall be available within the corporate limits of the city and the surrounding area to the degree the provision of such work, labor or service is reasonable and practicable in the judgment of the officials supervising the operation of the service. Special services shall include hazardous materials and technical rescue response and cleanup.

(Code 1982, § 33-71; Code 1997, § 46-3)

Sec. 20-22. - Special services authorized.

The fire department may provide certain special services within and without the city. Fire department personnel and apparatus may be used to perform the special services.

(Code 1982, § 33-72; Code 1997, § 46-4)

Sec. 20-23. - Supervision.

(a) The direction and supervision of the provision of special services shall be under the direct control of the fire chief or deputy fire chiefs.

(b) The officials who generally supervise the operation of the fire department shall promulgate such regulations governing the operation of the provision of special services as may be necessary to carry out the intent and purposes of this article.

(Code 1982, § 33-73; Code 1997, § 46-5)

Sec. 20-24. - Rates; reimbursement; collection; records.

(a) The special services authorized by this article shall be provided at the rates and charges as currently established or as hereafter adopted by resolution of the city council from time to time.

(1) The recipient of the special services shall pay all replacement costs of expendable equipment and supplies which includes equipment damaged or made unusable by contamination.

(2) The recipient of the special services shall reimburse the fire department for any labor, materials or supplies provided by third parties at the request of the fire department and any other costs necessary to provide the special services.

(b) The fire chief or his designated representative shall collect charges due the city for the provision of special services, and the fire chief or his designated representative shall:

(1) Prepare and issue statements for charges to persons who are provided special services under this article.

(2) File suit to collect delinquent charges due within legally allowed time after the special service is provided.

(3) Maintain adequate records, which shall contain the following information:

a. The date.

b. Cash collected for services rendered.

c. Accounts receivable.

d. Unpaid charges.

e. Such other information as may be required by officials of the city.

(Code 1982, § 33-74; Code 1997, § 46-6)

Sec. 20-25. - Unauthorized persons riding fire apparatus.

No person, except members of the fire department or persons authorized by the shift commander or fire chief, shall ride on the fire truck, hose wagon or other vehicles used by the fire department to transport the members of the fire department and firefighting equipment to and from the scene of any fire.

(Code 1982, § 33-2; Code 1997, § 46-7)

State Law reference— Unauthorized use of a vehicle, A.C.A. § 5-36-108; unlawful taking of a vehicle, A.C.A. § 27-14-2207; use of motor vehicles without owner's consent, A.C.A. § 27-14-2208.

Sec. 20-26. - Open burning.

(a) No person shall cause or permit the open burning of refuse, garbage, trade wastes or other waste material or shall conduct a salvage operation by open burning.

(b) The provisions of subsection (a) of this section shall not apply to the following activities:

(1) Fires used for the noncommercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces used in connection with any residence;

(2) Controlled fires used for purposes of forest and wildlife management, provided that such fires are set and burned when winds are blowing away from populated areas which might be affected;

(3) Smokeless flares or safety flares from the combustion of waste gases, provided that all other applicable provisions of this chapter are complied with;

(4) Open burning, at the site of origin, of waste hydrocarbon products from oil exploration, development or production, or from natural gas processing plants or from materials spilled or lost from pipeline breaks, where, because of the isolated location, such waste products cannot be reclaimed, recovered or disposed of lawfully in any other manner;

(5) Fires set or permitted by any public officer, board, council or commission when such fire is set or permission given in the performance of such duty of the officer for the purpose of weed abatement, prevention or elimination of a fire hazard or the instruction of employees in the methods of firefighting, which is, in the opinion of such officer, necessary or from fires set pursuant to the permit for the purpose of instruction of employees or private industrial concerns in methods of firefighting or for emergency services instruction;

(6) Open burning incident to on-site cleanup operations resulting from transportation accidents where, because of the isolated location, the materials to be burned cannot be reclaimed or recovered, or where there is no other practical, safe or lawful method of disposal; provided, however, that the fire chief shall be notified of the exact location, and the nature and quantities of materials to be burned prior to ignition, and such burning shall be conducted in accordance with the written approval of the fire chief. At his election, the fire chief's approval may be delivered by telephone, and confirmed, thereafter, in writing, in the case of an emergency;

(7) Open burning of any material not elsewhere specifically prohibited or exempted in this section and for which there is no practical, safe or lawful means of disposal; except that no

person shall cause or permit such open burning without first obtaining a permit for open burning from the council;

(8) Burning for agricultural purposes in an agricultural zone (A-1). The fire chief, or his designee, will be notified and such burning shall be conducted in accordance with open burning policies of the fire department. Conditions such as exposures, weather conditions, proximity to neighboring structures, schools and other public facilities and hazardous occupancies may cause denial of such a request;

(9) Burning of yard wastes in a residential zone.

a. The term "yard waste" shall mean grass, clippings, leaves and shrubbery trimmings collected from residential property.

b. The fire chief, or his designee, will be notified and such burning shall be conducted in accordance with open burning policies of the fire department. Conditions such as exposures, weather conditions, proximity to neighboring structures, schools and other public facilities and hazardous occupancies may cause denial of such a request.

(Code 1982, § 33-103; Code 1997, § 46-9; Ord. No. 97-44, § 1, 7-8-1997)

Sec. 20-27. Fire Code Official

Fire Code Official shall be defined as the Fire Chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative of the Rogers Fire Department.

Secs. 20-28—20-60. - Reserved.

DIVISION 2. - FIRE CHIEF

State Law reference— Appointment of fire chief, A.C.A. § 14-43-504; appointment and removal of department heads, A.C.A. § 14-42-110; removal of fire chief, A.C.A. § 14-43-504.

Sec. 20-61. - Office created.

The office of fire chief is hereby created.

(Code 1982, § 33-16; Code 1997, § 46-36)

Sec. 20-62. - Powers and duties generally.

The fire chief shall:

- (1) Be administrative head of the department and promulgate such rules, regulations and procedures as may be necessary to ensure a modern and efficient fire department and ambulance service.
- (2) Be commander of the whole fire force, under the superintendence of the council.
- (3) Be the custodian of, and responsible for, all property of the fire department.
- (4) Be the administrative head of the Office of Building Inspections and promulgate such rules, regulations and procedures as may be necessary to ensure effective and efficient operations.
- (5) Be the Chief Fire Code Official responsible for updating the Code as editions or revisions that are relevant fire codes as they are made and published.
- (6) Perform such other duties as are assigned to him by the mayor or city council.

(Code 1982, § 33-18; Code 1997, § 46-38)

Sec. 20-63. - Police power while on fire duty.

All mayors, members of fire departments, and peace officers shall be ex officio deputies to the Director of the Department of Arkansas State Police. They shall be subject to the duties and obligations imposed by this subchapter in fire prevention and in the investigation of the cause, origin, and circumstances of fires within their jurisdiction.

(Code 1982, § 33-19; Code 1997, § 46-39)

State Law reference— Members of fire departments as state police, A.C.A. § 12-13-108.

Sec. 20-64. - Reports.

The fire chief shall make a monthly report to the city council as to:

- (1) The number and type of incident responses.

(2) Staff hours attending incidents and training.

(Code 1982, § 33-20; Code 1997, § 46-40)

Secs. 20-65—20-86. - Reserved.

DIVISION 3. - DEPARTMENT

State Law reference— Work week for firefighters, A.C.A. § 14-53-105.

Sec. 20-87. - Composition of force.

The fire department shall consist of such number of persons as are from time to time approved by the council, including persons on military leave of absence.

(Code 1982, § 33-36; Code 1997, § 46-56)

Secs. 20-88—20-119. - Reserved.

ARTICLE III. - CODES ADMINISTRATION

State Law reference— Power of city to adopt technical codes by reference, A.C.A. § 14-55-207; fire prevention commission, A.C.A. § 20-22-201 et seq.; fire prevention, A.C.A. § 12-13-101 et seq.

DIVISION 1. - GENERALLY

Sec. 20-120. - Violations.

Any person violating any provision of the Arkansas Fire Prevention Code shall be in violation of this Code. For each such violation, and for each day the violation continues, the person shall be deemed guilty of a new violation. The penalty provisions contained in Sec. 1-5 of this Code shall apply to any violation under this chapter.

(Code 1982, § 33-101; Code 1997, § 46-81)

Sec. 20-121. - Operation of incinerators.

No person shall cause or permit the operation of an incinerator within the city unless the incinerator shall comply with all applicable state and federal laws.

(Code 1982, § 33-102; Code 1997, § 46-82)

Sec. 20-122. - Automated external defibrillators (AEDs).

(a) The installation of AEDs [is required] in all new public occupancies that meet one of the following requirements:

- (1) Fitness centers with a size of 5,000 square feet or more.
- (2) Licensed healthcare facilities.
- (3) Golf courses.
- (4) Public, private, or charter schools.
- (5) Public and commercial sporting complexes with the capacity of 300 persons or more.
- (6) Commercial or industrial business [es] that have 100 or more employees (full and part time).

(b) AED devices, where required, shall be installed so that the AED device is most accessible to the population of the building. General contractors shall submit an AED placement plan to the Rogers Fire Department Risk Reduction Division during the plans review process. The Rogers Fire Department will review and assist in AED placement. Upon request the department may also assist with AED training. The fire department shall inspect the establishment to confirm the AED devices have been installed as approved prior to the issuance of a certificate of occupancy.

(c) The installation and maintenance of the AED device(s) and periodic training on the use of the AED device(s) shall be the responsibility of the owner. The Rogers Fire Department shall serve in an advisory capacity to assist the local business owner, when appropriate. Any entity who presently owns or acquires an AED on or after the effective date of this section, other than vendors or dealers of AEDs owning or possessing AEDs solely for resale purposes, shall:

- (1) Register the AED with the Rogers Fire Department's Risk Reduction Division. The registration shall include information about the AED location and model/manufacture. A registration form will be provided by the Rogers Fire Department.
- (2) Notification to the Rogers Fire Department shall occur within 48 hours after the use of an AED. Information that will be required after the use will include, but [not be] limited to the date,

time, location of use, name of person the AED was used upon, the printout from the AED, and the nature of the emergency.

(d) Any AED possessed and used solely for demonstration or training purposes, and which would not be operational in an actual emergency use situation, shall be exempt from the registration requirements. Any such AED shall be clearly marked on its exterior and be readily identifiable as not appropriate for emergency use.

(Ord. No. 11-71, §§ 1—4, 7-26-2011)

Secs. 20-123—20-140. - Reserved.

DIVISION 2. - ARKANSAS FIRE PREVENTION CODE

Sec. 20-141. - Adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Fire Code, 2012 Edition, complete with appendices B, C, D, E, F, G, H, I, and J, including any accumulative Supplements and Amendments as and when adopted and approved by the State of Arkansas, three copies of which are on file in the office of the Rogers City Clerk. The above referenced International Fire Code 2012 Edition, and all of its Supplement and Amendments, is hereby adopted as the 2013 Arkansas Fire Prevention Code for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storing, handling and use of hazardous substances, materials and devices, and conditions hazardous to life or property in the occupancy of buildings and premises in the City of Rogers; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2012 edition, published by the International Code Council, on file in the office of the city clerk are hereby referred to, adopted and made a part hereof as if fully set out in this division.

(Code 1982, § 33-111; Code 1997, § 46-111; Ord. No. 02-48, § 1, 7-23-2002; Ord. No. 08-103, § 1, 8-26-2008; Ord. No. 15-15, § 1, 1-27-2015)

Sec. 20-142. - Definitions.

As used in the fire prevention code adopted by reference in this division, the term "municipality" shall mean the City of Rogers, Arkansas.

(Code 1982, § 33-112; Code 1997, § 46-112)

Sec. 20-143. - Enforcement.

Enforcement of the Arkansas Fire Prevention Code adopted in this division shall be the responsibility of the Fire Code Officials of the City of Rogers Fire Department.

(Code 1982, § 33-113; Code 1997, § 46-113; Ord. No. 01-19, § 1, 3-27-2001)

Sec. 20-144. - Amendments. Modified

The following amendments are hereby adopted and incorporated within the new Fire Prevention Code:

F101.1 Insert: City of Rogers

F102.7.1 Amend to read

F102.7.1 Conflicts. Where conflicts occur between provision of this code and referenced codes and standards, the most stringent shall apply.

F109.4 Insert: Class A Misdemeanor, \$2,500.00, 365 DAYS

F111.4 Insert: As provided for in Arkansas Fire Prevention Code, Volume I.

Add F403.4

F403.4 Ticket Sales. Ticket sales shall not exceed 100% of the maximum occupant load.

Revise F505.1

F505.1 Address numbers. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is legible from the street or road fronting the property. Numbers shall be in contrasting color from the exterior color scheme. Addressing shall be as followed:

Single Family Homes

Minimum 6" high 5/8" contrasting numbers

Multi-Family Communities (Apartments, condos, townhouses)

Building Numbers:

Minimum 18" high numbers with a 3" stroke with contrasting background.

- Buildings under 100' long only require one number per building
- Buildings over 100' long require a minimum of two numbers per building.

Apartment/Corridor Spread Numbers

- Apartment/Corridor spread numbers are to be a minimum 4" high number with a 5/8" brush stroke with contrasting background.
- Number example format.

301-310	3rd Floor
201-210	2nd Floor
101-110	1st Floor

Commercial/Industrial Buildings

Address sizing shall be determined by the distance from the street curb.

Up to 100'	12"	2"
101' to 300'	12"	2"
301' to 400'	18"	3"
401' +	24"	4"
Distance from curb	Number Height	Brush Stroke

Marquee and Monument

Address installed on a marquee or monument located next to the street will require numbers measuring 12" high with a 2" brush stroke be located a minimum 3 feet above grade. Numbers shall contrast with the background.

Add: F505.3

F505.3 Permanent Street Signs. Permanent Street Signs shall meet the following criteria:

1. Street name sign shall be retro reflective or illuminated to show the same shape and similar color both day and night.
2. The letters and background shall be contrasting colors.
3. Lettering shall have a minimum height of 4 inches.
4. Lettering indicating type of street or the section of the City can be reduced to 3 inches.

Add: F511

F511 Firefighter Air Systems. All buildings defined as a high rise structure shall be equipped with an approved rescue air replenishment system.

Add: F901.11

F901.2.2 Issues not addressed by this code. Any issues not addressed by this code shall be addressed by the applicable NFPA standard.

Add: F901.12

F901.1.1 Competent on-site person. Each fire protection system installation, modification, or inspection job shall receive direct supervision from a competent on-site person.

F903.4.2 Amend to read:

F903.4.2 Alarms. An approved fire alarm system meeting the requirements of NFPA 72 shall be installed and connected to all new automatic sprinkler systems and shall communicate an audible and visual alarm throughout the entire building. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. A clear lens horn strobe tied to the water flow shall also be provided on the address side of the structure to indicate water flow in the sprinkler system.

Exception: NFPA 13D systems.

F905.3 Amend to read:

F905.3 Required installations. Automatic wet standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 32.

Add: F905.12

F905.12 Design. The design of standpipe systems shall be calculated to provide 100 psi. at the connection located at the highest elevation of the system. Hydraulic calculations shall be figured using the pressure provided by the water utility provider or from onsite storage.

Add: 907.2.1.3

F907.2.1.3 Electrical shunt for amplified sound conditions. Any occupancy address by this code shall provide an electrical shunt to de-energize amplified music or sound systems upon alarm activation as necessary to demonstrate compliance with the audibility requirements of NFPA 72.

Add: F907.2.8.4

F907.2.8.4 Fire detection system. When a fire detection system is installed it shall be connected to the fire alarm system by means other than a single-station smoke detector. All rooms shall sound a local alarm and transmit an alarm to a constantly attended location upon activation of a single smoke detector. All rooms shall be cross-zoned to activate a full general alarm upon the activation of two or more devices.

F912.3.1 Amend to read:

F912.3.1 Locking fire department connection caps. The fire code official is authorized to require locking caps on fire department connections that are often targets of vandalism or that are not being maintained.

F912.4 Amend to read:

F912.4 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable.

Exception: Exposed Fire Department Connection line can be painted with retro-reflective red paint in lieu of signage.

F912.5 Amend to read:

F912.5 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code and the Rogers Water Department.

Add F913.6:

F913.6 Supervisory Conditions. The following conditions shall be supervised by the fire alarm system.

1. Pump run.
2. Phase loss.
3. Phase reversal.
4. Pump in manual mode.

Add F3304.8:

F3304.8 Security for commercial wood frame construction. All wood frame construction over three stories in height shall provide a six foot chain linked fence around jobsite until such time that all walls are covered with approved materials according to construction documents.

Add FB105.3

FB105.3 Fire flow data. All fire flow data submitted to the Rogers Fire Department shall have been taken within the last six months.

FC105.1 Amend to read:

FC105.1 Hydrant spacing. The average hydrant spacing for commercial or industrial areas shall be 300 feet, residential spacing shall be 500 feet, hydrants should alternate every 250 feet on streets with center medians, and undeveloped incorporated areas shall have an average spacing of 1000 feet. Areas without a water supply refer to NFPA 1142 or the International Wildland-Urban Interface Code.

Add FC105.2

FC105.2 Maximum Distance. The maximum distance from any point on the street or road frontage to a hydrant shall not exceed 200 feet.

Add FC105.3

FC105.3 Hydrant locations in reference to entrances. The first fire hydrant shall be located at the street intersection or at the main entrance(s) into a subdivision, apartment complex, or commercial development. Additional hydrants shall be spaced per Section FC105.1.

FD103.6.3 Amend to read:

FD103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING - FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Exception: Striping of the curb shall be allowed instead of signage. Curbs shall be painted red with 4 inch white lettering reading NO PARKING - FIRE LANE. Lettering shall be on an average of 50 feet spacing.

(Ord. No. 15-15, § 2, 1-27-2015)

Secs. 20-145—20-178. - Reserved.

ARTICLE IV. - AMBULANCE SERVICE

State Law reference— Power of city to perform functions pertaining to its municipal affairs, A.C.A. § 14-43-602; ambulance services improvement districts, A.C.A. § 14-282-101 et seq.

Sec. 20-179. - Established.

There is hereby created the emergency medical service of the city, which service is charged with the responsibility of providing ambulance service within the corporate limits of the city and as much of the surrounding area as may be reasonable and practicable in the judgment of the officials supervising the operation of the service.

(Code 1982, § 33-51; Code 1997, § 46-176)

Sec. 20-180. - Supervision.

The direction and supervision of the emergency medical service of the city shall be under the direct control of the fire chief, who shall in turn be under the general supervision of the public safety committee of the city council, the city council and the mayor. The officials shall promulgate such regulations governing the operation of the ambulance service as may be necessary to carry out the responsibilities of the service.

(Code 1982, § 33-52; Code 1997, § 46-177)

Sec. 20-181. - Service outside city.

The emergency medical service of the city created by this article is hereby authorized to contract to provide its service to areas or persons, outside the corporate limits upon such terms and conditions as may be approved by the city council.

(Code 1982, § 33-53; Code 1997, § 46-178)

Sec. 20-182. - Reports.

A monthly emergency medical report shall be prepared by the fire department for distribution to the city council and the mayor. The report should contain the following information:

- (1) Number and type of medical responses for the month;
- (2) Call statistics by geographical zone;
- (3) Year-to-date revenue for the ambulance service (information to be provided by city finance).

(Code 1982, § 33-54; Code 1997, § 46-179)

Sec. 20-183. - Collections.

(a) Every reasonable effort shall be made to collect charges due the city at the time emergency medical service is rendered.

(b) The fire chief shall designate one of his department personnel to prepare all insurance claim forms and related documents.

(c) Pursuant to the discretion of the fire chief, delinquent accounts will be collected in the most cost efficient manner.

(d) A complete file of all unpaid accounts receivable shall be maintained in the fire department.

(Code 1982, § 33-55; Code 1997, § 46-180)

Sec. 20-184. - Rates.

The emergency medical service authorized by this article shall be provided at the rates currently established or as hereafter adopted by resolution of the city council from time to time.

(Code 1982, § 33-56; Code 1997, § 46-181; Ord. No. 09-40, 5-12-2009)

Secs. 20-185—20-206. - Reserved.

ARTICLE V. - FALSE ALARMS

Sec. 20-207. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

False alarm means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owners or lessee of the fire alarm system or of his employees or agents. This does not include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the fire alarm user or his agent.

Fire alarm system means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.

Fire alarm user means a person or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is present.

Year means a 12-month period beginning with January 1 and ending on December 31 of each year.

(Ord. No. 09-28, § 1, 4-14-2009)

Sec. 20-208. - Procedure and user fee.

(a) Whenever fire department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.

(b) The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. When two false alarms have occurred at the same location within one year, and the location is within the incorporated area of the city, the fire department shall notify the fire alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of more than three false alarms within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.

(c) When four false alarms have occurred at one location within a year, a user fee of \$100.00 for service for a false alarm response shall be billed to the property owner. Each additional false alarm within the year shall require the billing of an additional \$100.00 fee. However, no fire alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. The fee hereby established affords only partial recovery of the expenses incurred in responding to the false alarm. In the event payment of the fee, in full, has not been received within 30 days of billing, the fee shall increase to \$300.00.

(Ord. No. 09-28, § 2, 4-14-2009)

Sec. 20-209. - Evidence of repair accepted in lieu of fee.

An alarm user may submit evidence that a malfunctioning system has been repaired in lieu of paying a user fee within ten days of the date of notification of the fee. Evidence such as a receipt from a state-licensed alarm business with a statement of repairs made to the system is acceptable. For a repeated problem with a system after a repair is alleged to have been made, the user fee will still apply.

(Ord. No. 09-28, § 3, 4-14-2009)

Sec. 20-210. - Review of false alarm charge.

Any person may appeal the assessment of the fee contained in Sec. 20-208 to the fire chief. Any and all appeals shall be submitted in writing within ten days of notification of the fee.

(Ord. No. 09-28, § 4, 4-14-2009)